

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAROL KULIG

on behalf of herself and all others similarly situated,

Plaintiff,

Civil Action No. 13-cv-4715

-v-

MIDLAND FUNDING, LLC,
MIDLAND CREDIT MANAGEMENT, INC.,
ENCORE CAPITAL GROUP, INC.
formerly MCM CAPITAL GROUP, INC.,
AMANDA PEREZ

Defendants.

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DECLARATION OF PATRICK MINFORD

PATRICK MINFORD, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that:

1. I am over the age of 18 and competent to give this Declaration. I am employed by Midland Credit Management, Inc., where I hold the title of Director, Business Development.

2. The facts set forth herein are based upon my personal knowledge and/or based on my review of the business records of Midland Credit Management, Inc. and Midland Funding, LLC. If I were called upon to testify to these facts, I could and would competently do so.

3. Some of the business records I reviewed, including some of the business records attached hereto, were originally created by Chase Bank USA ("Chase") and transmitted to Midland Credit Management, Inc. by Chase. These records have been incorporated into the business records of Midland Credit Management, Inc., where they were kept in the ordinary course of its business, and were routinely relied upon by it in conducting its business relative to this action.

4. Midland Credit Management, Inc. is a wholly-owned subsidiary of Encore Capital Group, Inc., which is a publicly traded company.

5. Midland Funding LLC is also a wholly-owned subsidiary of Encore Capital Group, Inc.

6. Midland Funding, LLC purchases consumer accounts from established national banking institutions, including Chase.

7. Midland Credit Management, Inc. services the accounts acquired by Midland Funding, LLC.

8. In my capacity as Director, Business Development, I am responsible for, among other things, maintaining and overseeing “media,” *i.e.*, the loan agreements, account purchase and transfer information and documents, debt collection records, and other account information pertinent to accounts and debts purchased by Midland Funding, LLC. These records are kept and relied upon by Midland Credit Management, Inc. in the regular course of its business and are integrated into the collection practices of Midland Credit Management, Inc. at or near the time of their receipt.

9. Pursuant to a June 2009 Bill of Sale, Midland Funding, LLC purchased a pool of charged-off accounts from Chase, whereby Midland Funding, LLC, as assignee, acquired all “rights, title and interest” to those accounts. A true and correct copy of the Bill of Sale is attached hereto as **Exhibit 1**.

10. As part of the sale of those charged-off accounts to Midland Funding, LLC, Chase transferred its electronic business records of the charged-off accounts to Midland Credit Management, Inc. Those electronic records included an Excel file identifying all of the purchased accounts, including Carol Kulig’s Chase credit card account ending in 3180 (the

“Account”). Attached hereto as **Exhibit 2** is an abstract of the true and correct data from the Excel file pertaining to the Account. Those electronic records also included additional records, such as account statements, for the Account, true and correct copies of which are attached hereto as **Exhibit 3**.

11. As reflected in the electronic records transferred by Chase, Plaintiff used the Account by making purchases after it was opened and then making certain payments for those purchases.

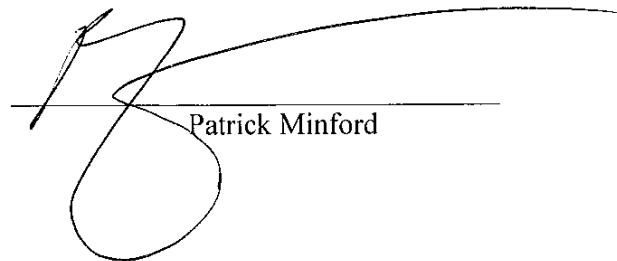
12. Plaintiff’s Account was charged off by Chase in October 2007. The outstanding balance on the Account at the time that it was acquired by Midland Funding, LLC was \$4,611.44.

13. The business records transferred by Chase in June 2009 also included a copy of the sample Cardmember Agreement applicable to the Account. A copy of that Cardmember Agreement is attached hereto as **Exhibit 4**.

14. Prior to filing a collection lawsuit against Plaintiff, Midland Credit Management, Inc., through letters, detailed its assumption of ownership of the Account and demanded payment of the debt from Plaintiff, and it also communicated with Plaintiff by phone. Midland Credit Management, Inc. has no record of Plaintiff making any dispute of her ownership of the Account in response to those numerous communications.

15. I am voluntarily making this declaration of my own free will. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 3, 2013



Patrick Minford